

1 JEFFREY B. SETNESS, CA Bar No. 96773
jsetness@fabianlaw.com
2 **FABIAN & CLENDENIN, P.C.**
10655 Park Run Dr.
3 Suite 130
Las Vegas, Nevada 89144
4 Telephone: (702) 233-4444
Facsimile: (702) 998-1503

6 Incoming Attorney for Plaintiff ERG Aerospace
Corporation

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

ERG AEROSPACE CORPORATION,) Case No. 3:13-cv-2973 VC
Plaintiff,)
vs.) **STIPULATION TO SUBSTITUTE**
UNITED STATES OF AMERICA,) **ATTORNEYS AND [PROPOSED] COURT**
Defendant.) **ORDER (LOCAL CIVIL RULE 7-12)**
vs.) AS MODIFIED
UNITED STATES OF AMERICA,)
Counterclaim-Plaintiff,) JUDGE: HON. VINCE CHHABRIA
vs.)
ERG AEROSPACE, ENERGY RESEARCH &)
GENERATION, INC., individually, and d/b/a)
ERG MATERIALS & AEROSPACE CORP.,)
Counterclaim-Defendants.)

SUBSTITUTION OF ATTORNEYS

Case No. 3:13-cv-2973 VC

In accordance with Rule 7-12 of the United States District Court, Northern District of California, Civil Local Rules, Jeffrey B. Setness, Esq. of the law firm FABIAN & CLENDENIN, P.C., hereby files this Stipulation to Substitute Attorneys and Proposed Order:

Plaintiff and Counterclaim Defendants ERG AEROSPACE CORPORATION and/or
ENERGY RESEARCH & GENERATION, INC. hereby nominate and appoint Jeffrey B. Setness,
Esq. of the law firm FABIAN & CLENDENIN, P.C., to represent them in the above-entitled action,
in place and instead of Thomas F. Carlucci, Esq. and Mark Thomas Schieble, Esq. of the law firm of
FOLEY & LARDNER, LLP.

10 Dated this 11 day of June, 2014. ERG AEROSPACE CORPORATION
ENERGY RESEARCH & GENERATION, INC.

Bryan Leyda
BY: BRYAN LEYDA

We agree to the substitution of Jeffrey B. Setness, Esq. of the law firm FABIAN &
14 CLENDENIN, P.C. to represent Plaintiff and Counterclaim Defendants ERG AEROSPACE
15 CORPORATION and/or ENERGY RESEARCH & GENERATION, INC. in the above-entitled
16 action, in our place and stead.

18 Dated this 12 day of June, 2014.

**THOMAS F. CARLUCCI, ESQ.
Foley & Lardner LLP
555 California Street, Suite 1700
San Francisco, California 94104**


MARK THOMAS SCHIEBLE, ESQ.
Foley & Lardner LLP
555 California Street, Suite 1700
San Francisco, California 94104

I hereby agree to accept this substitution to represent Plaintiff and Counterclaim Defendants
2 ERG AEROSPACE CORPORATION and/or ENERGY RESEARCH & GENERATION, INC. in
3 the above-entitled action.

Dated this 11th day of June, 2014.

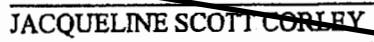


JEFFREY B. SETNESS, ESQ.
Fabian & Clendenin, P.C.
10655 Park Run Drive, Suite 130
Las Vegas, Nevada 89144

ORDER

~~PURSUANT TO STIPULATION, IT IS SO ORDERED.~~

DATED this _____ day of June, 2014



JACQUELINE SCOTT CORLEY
UNITED STATES MAGISTRATE JUDGE

*See page 4 for modified order.

ORDER AS MODIFIED

The Motion to Withdraw as Counsel is denied as moot. The Court orders the parties to appear for a Case Management Conference on June 19, 2014, at 1:30 p.m. The parties must meet and confer prior to Thursday and be prepared to propose a trial management schedule at the Case Management Conference.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: June 17, 2014



VINCE CHHABRIA
UNITED STATES DISTRICT JUDGE